

### REMARKS

In the Office Action dated December 12, 2002, originally-filed claims 8-19 were renumbered (correctly) as claims 7-17. The dependency designations within the dependent claims have been revised to reflect this renumbering. Additionally, Applicants agree with the editorial changes proposed by the Examiner for claims 10-13, and claims 10-13 accordingly have been editorially amended to embody those changes.

Figures 1 and 2 have been designated as "PRIOR ART" as also suggested by the Examiner.

Claims 7-17 were rejected under 35 U.S.C. §102(e) as being anticipated by Johansson et al. This rejection is respectfully traversed because the Johansson et al reference has an effective date for prior art purposes as of its filing date, which is August 16, 1999. The present application claims the benefit of convention priority based on Swedish Application 9802928-3, filed in the Swedish Patent Office on August 31, 1998. The Examiner has acknowledged that the certified copy of the Priority Document has been received. Even though this Priority Document is a Swedish Application, it is in the English language and therefore there is no need to file a certified translation of the Priority Document to perfect Applicants' claim for convention priority. Such a claim for convention priority was properly made in the Declaration filed at the time of entry into the national examination phase in the United States. All requirements for claiming the benefit of convention priority under PCT Rule 4.10 had been satisfied (also see MPEP §1828). Since the Applicants are entitled to a convention priority date which pre-dates the effective date of the

Johansson et al reference, that reference is not available as prior art against the subject matter of the present application.

Since claims 10-13 have been amended to overcome the rejection under Section 112, and since the Johansson et al reference formed the only basis for a prior art rejection of the claims, all claims of the application are submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,

 (Reg. 28,982)

---

SCHIFF, HARDIN & WAITE

**CUSTOMER NO. 26574**

Patent Department

6600 Sears Tower

233 South Wacker Drive

Chicago, Illinois 60606

Telephone: 312/258-5790

Attorneys for Applicants.

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Claim 8 has been amended as follows:

8. (Amended) A pacemaker as claimed in claim [9] 7 wherein said first and second tube ends are respectively bonded to said metallic housing at said first and second openings.

Claim 9 has been amended as follows:

9. (Amended) A pacemaker as claimed in claim [9] 7 wherein said first and second tube ends are respectively welded to said metallic housing at said first and second openings.

Claim 10 has been amended as follows:

10. (Amended) A pacemaker as claimed in claim [9] 7 wherein said metallic tubular member has at least one lateral opening therein, and having a contact surface disposed in said lateral opening for establishing electrical contact between the interior of said metallic tubular member and an exterior of said metallic tubular member, said contact surface being electrically connected to at least one of said interior components.

Claim 11 has been amended as follows:

11. (Amended) A pacemaker as claimed in claim [12] 10 further comprising an insulating ceramic plug disposed in and closing said lateral opening, said ceramic plug being mechanically attached in said lateral opening and holding said contact surface in said opening.

Claim 12 has been amended as follows:

12. (Amended) A pacemaker as claimed in claim [13] 11 wherein said ceramic plug is soldered in said lateral opening.

Claim 13 has been amended as follows:

13. (Amended) A pacemaker as claimed in claim [13] 11 wherein said ceramic plug is bonded in said lateral opening.

Claim 14 has been amended as follows:

14. (Amended) A pacemaker as claimed in claim [13] 11 wherein said contact surface is a metallic ring and wherein said ceramic plug has an exterior with a lateral opening therein in registry with said lateral opening in said metallic tubular member allowing access to said ring from said exterior of said metallic tubular member.

Claim 15 has been amended as follows:

15. (Amended) A pacemaker as claimed in claim [16] 14 wherein said metal ring has a central portion which is free of ceramic of said ceramic plug, producing a peripheral groove at an interior of said ring allowing access to said ring from said interior of said metallic tubular member.

Claim 16 has been amended as follows:

16. (Amended) A pacemaker as claimed in claim [9] 7 further comprising a locking arrangement disposed at said second tube end, and accessible from said second tube end, adapted for locking an end of an electrode lead in said metallic tubular member.

Claim 17 has been amended as follows:

17. (Amended) A pacemaker as claimed in claim [18] 16 wherein said locking arrangement is at least partially removable from said metallic tubular member to allow access to said end of said electrode lead.

CHI\_DOCS2\668752.2